

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 6035 of 1999

with

CRIMINAL MISC.APPLICATION No 5831 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed : YES  
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

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ASISH DUSHYANTKUMAR RAVAL

Versus

STATE OF GUJARAT  
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Appearance:

MR NIGAM R SHUKLA for Petitioners

MR BY MANKAD ADDL PUBLIC PROSECUTOR for Respondent No. 1

NOTICE SERVED for Respondent No. 2  
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CORAM : MR.JUSTICE C.K.BUCH

Date of decision: 02/11/1999

COMMON ORAL JUDGEMENT

#. Heard learned counsel Mr.Nigam Shukla, appearing for

the petitioners. Rule. Mr.Mankad, learned APP appearing for the respondent State appeared and waives service of rule. As both the learned counsels have consented, these petitions are taken up for final hearing today. Considering the nature of relief as prayed for by the the petitioner in both these petitions, these petitions are disposed of by this common judgment.

#. I am told that the parties have compounded out of the court. The complainant - Janakbhai Vishnubhai Dave is present before this Court and he has also informed the police that they have settled the case out of the court. Now the daughter of the complainant - Dr.Janak Vishnubhai Dave is the legally married wife of petitioner No.1 Ashish Dushyantkumar Raval of Misc. Criminal Application No : 6035 of 1999. Undisputedly, the original accused Ashish Dushyantkumar Rawal was engaged with Namrata earlier to the incident but ultimately Namrata was compelled to marry with Ashish against the will and wish of the father - Dr.Janak Dave. Mr.Shukla has informed this Court that because of the efforts of the close relatives, the parties have compounded. Petitioner No.1 & 2 - Ashish and Namrata - daughter of complainant, of present petition were called by the complainant and his wife - mother of Namrata and the complainant has also informed the concerned police station that they don't press this complaint. The offence registered by the police is non compoundable so it is submitted that in view of the settled legal position and the practice of this Court, the complaint can be quashed and set aside and the petition can be allowed accordingly. My attention has been drawn to the following decision rendered by this Court.

(1) Maganbhai Chimanbhai Vasava Vs. State of Gujarat,  
Criminal Misc. Application No : 6268 of 1997  
(Coram : M.S.Parikh, J.)

(2) Ramanbhai Bhavsar Vs. State of Gujarat rendered  
in Crim. Misc. Application No : 5577 of 1999  
(Coram : C.K.Buch, J.)

(3) Haji Iqbalbhai Musaji Master Prop of Muslim Tours  
& Travels Vs. State of Gujarat rendered in Crim.  
Misc. Application No : 6061 of 1999 (Coram :  
C.K.Buch, J.)

#. After going through these decisions and considering the facts and circumstances of the case, and in view of the compromise between the parties as well as the nature of the dispute, this Court can quash the proceedings

initiated on the strength of the complaint launched against the petitioners by exercising jurisdiction under Section 482 of the Code of Criminal Procedure. It is no use of dragging the litigation, wherein, no fruitful result can be achieved by prosecution. This is the case, wherein the real daughter was victim of the complaint filed by the her father and rest of the accused are husband their own daughter and in laws of the commplainant's daughter. In nutshell, the formal dispute which had cropped up suddenly has been nabbed by themselves and they have settled the dispute out of court. Such settlement should be impliedly appreciated by the Courts and the proceedings should not be ordered to continue on mere technicalities. Irrespective of the provision of Section 320 of CrPC, I am inclined to exercise the jurisdiction vested in this Court under Section 482 of CrPC and therefore, and inclined to allow this application. The criminal complaint being I.C.R.No : 260 of 1999 registered with Ghatlodiya Police Station which was initially registered with Astodia Police Station lodged by the complainant -Dr.Janak Dave is ordered to be turned down. Rule is made absolute accordingly. No costs. Direct Service permitted.

Date : 2-11-1999 [C.K.Buch,J.]

#kailash#